IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 12552 of 2007(T)

PETITIONER:

T.DEVARAJAN,S/O.T.CHANDUKUTTY,
DEVARAGAM,THIRUTHIYAD P.O.,
PUTHIYARA, KOZHIKODE-4.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS:

KOZHIKODE CORPORATION REPRESENTED BY
ITS SECRETARY,KOZHIKODE.

BY ADV. SRI.P.V.KUNHIKRISHNAN,SC,KOZHIKODE CORP
SRI.PRABHANANDAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF THE ORDER DTD. 1-8-06 OF THE RESPONDENT.
EXT.P2	TRUE COPY OF THE COMMUNICATION DTD. 13-12-2004 ISSUED BY THE CALICUT DEVELOPMENT AUTHORITY
EXT.P3	TRUE COPY OF THE JUDGMENT DTD. 5-10-06 IN W.P.C.NO.22237/06
EXT.P4	TRUE COPY OF THE BUILDING PERMIT ISSUED BY THE RESPONDENT ON 19-03-07

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 12552 OF 2007

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Dated this the 20th day of August, 2007

JUDGMENT

Condition No.3 in Ext.P4 permit granted to the petitioner reads as follows:

> " The construction should be demolished by the party at his own risk and cost at the time of road widening started."

This is challenged by the petitioner. According to the petitioner when this court in Ext.P3 judgment ordered that the construction of the building on the strength of the permit issued will be at the risk of the petitioner did not bear the meaning which is sought to be given in Ext.P4. After the filing of the writ petition, petitioner moved a review petition as R.P.No.550/2007 before the learned Judge who delivered Ext.P3 judgment. The learned Judge has proceeded to dispose of the Review Petition as follows:

> " But in the last sentence of my judgment I had observed that in view of the Corporation's

> stand that there was a proposal to acquire the property, the construction of the building on the strength of the building permit to be issued to the petitioner, will be at the risk of the petitioner. What I intended was only that if the petitioner constructs a building on the basis of the permit to be issued to him pursuant to my judgment, the petitioner stands the risk of loosing that newly constructed building if acquisition is takes place. I never intended to say that the petitioner will not be entitled for any compensation under the Land Acquisition Act. Subject to the above clarification, the R.P. is disposed of."

The writ petition is disposed of directing the first respondent to pass appropriate orders bearing in mind the judgment in R.P.No.550/07 within a period of three weeks from the date of receipt of a copy of this judgment.

(K.M.JOSEPH, JUDGE)

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